

In re Hernandez

14-12231-BKC-LMI

A secured creditor objected to the debtor's Fourth Amended Plan because it did not provide for equal monthly payments until month ten (10). At month ten (10) the Plan had not been confirmed. The Court rejected the secured creditor's argument that section 1325(a)(5)(B)(iii) compels equal monthly payments from the first payment made by the debtor in a chapter 13 case, even before the plan is confirmed. The Court held that section 1325(a)(5)(B)(iii)(I) requires that equal monthly payments begin not from the first payment to the chapter 13 trustee, but rather, no earlier than the first payment due after the chapter 13 plan is confirmed.